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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSE N. AVILA,

Plaintiff,

v.

KILOLO KIJAKAZI,¹
Acting Commissioner of Social Security,
Defendant.

Case No.: 2:21-cv-00546-VCF

UNOPPOSED MOTION FOR VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)

Defendant Andrew Saul, Commissioner of Social Security (“Defendant”) respectfully requests that the Court remand this action for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g), sentence four. The purpose of the remand is to offer Plaintiff a new decision.

On remand, the Commissioner will offer Plaintiff the opportunity for a hearing, conduct any necessary further proceedings and issue a new decision. Defendant further requests that the Clerk of

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing
2 the final decision of the Commissioner.

3 Counsel for Defendant conferred with Plaintiff's counsel, who has no opposition to this
4 motion, on December 1, 2021

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6 Dated: December 2, 2021.

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8 Respectfully submitted

9 CHRISTOPHER CHIOU
Acting United States Attorney

10 /s/ Marcelo Illarmo
11 MARCELO ILLARMO
Special Assistant United States Attorney

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13 IT IS SO ORDERED:

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15 UNITED STATES MAGISTRATE JUDGE

16 DATED: 12-2-2021
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CERTIFICATE OF SERVICE

I, Marcelo Illarmo, certify that the following individual(s) were served with a copy of the foregoing document on the date, and via the method of service, identified below:

CM/ECF:

Marc V. Kalagian - rohlfig.kalagian@rksslaw.com

Gerald M. Welt - gmwesq@weltlaw.com

Dated December 2, 2021.

/s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney